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Testimony SB 461 Representative Deb Heinrich March 2010

Senator Fonfara, Representative Nardello and esteemed members of the Energy and Technology Committee. Thank you for this opportunity to speak to you concerning SB 461: An Act Concerning Siting Council Proceedings and Decisions.

I know you have a long day ahead of you so I will be brief. Along the shoreline and around the state, cell tower construction is ramping up and we are seeing more and more of them being approved by the siting council in residential areas. I believe that the siting council may have lost its way. I guess the best way for me to illustrate this is to recount a conversation I recently had with a friend of mine who is an environmental lawyer as well as a former selectman in East Haddam. He told me the story of how the siting council was created and why. Apparently, before we had the siting council, the big providers would swoop down on a small town where they wanted to site a cell tower and overwhelm the small towns with lawyers and resources and end up with the towers whether or not the town wanted them. He told me that the siting council was formed so as a stronger voice to protect the little guy from this type of industry assault. Interestingly, it appears that the actions of the siting council are no longer quite as consistent with this model of its inception and has taken on the role of usurping local control to such an extent as to actually be the agent of assault. Representative Reed, Representative Widlitz and I believe we can reinstate a measure of their original purpose with a few key changes to their charges and some of them can be found in SB461.

First I would like to call your attention to lines 131-134 in the bill.

131 (3) When issuing a certificate for a facility described in subdivision
132 (5) or (6) of subsection (a) of section 16-50i, the council shall, prior to
133 issuing a certificate, consider the latest technological options designed
134 to minimize aesthetic and environmental impacts.

This section requires the siting council to consider new technologies that are designed to minimize aesthetic and environmental impacts. For example, along the shoreline, AMTRAK has a master plan for siting multiple cell towers along their railroad tracks in order to get service for their riders. Many of these are in residential areas. There are newer and much lower impact technologies available that can be hooked right to their poles that will give them the same service without the need to site a cell tower in our residential neighborhoods. This language would require the siting council to take this into account.

I would also like to bring your attention to lines 215-217

215 The council may

216 consider regional location preferences from neighboring

217 municipalities

The purpose of this language is to encourage municipalities to create regional plans for continuity of service that will then be considered during a siting council application process. This gives the towns who participate in a regional process a chance to have more of a say in where the towers will be placed. I will however suggest a change in the language from "may" to "shall". Therefore the siting council will be required to take their plans into account. I don't believe that municipalities will be willing to take the time and trouble to create a regional plan unless they are assured that it will be honored.

Thank you again for raising SB461 and for your time and attention. I would be happy to answer any questions you may have.